

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JASON WALTERS,

Plaintiff,

v.

EXEL, INC. D/B/A DHL SUPPLY CHAIN,

Defendant.

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CIVIL ACTION NO. 3:22-cv-01840-K

**DEFENDANT’S EXCEL, INC. D/B/A DHL SUPPLY CHAIN’S
OPPOSED MOTION TO STAY PROCEEDINGS**

Defendant Exel Inc. d/b/a DHL Supply Chain (“Defendant” or “Exel”) files this Opposed Motion to Stay Proceedings (“Motion”). In support thereof, Defendant would respectfully show the Court as follows:

1. Plaintiff filed a Second Amended Complaint on January 24, 2023 (Doc. 18), alleging claims under the Fair Labor Standards Act (“FLSA”), age discrimination under the Age Discrimination in Employment Act of 1967 (“ADEA”), and failure to provide a requisite COBRA notice. Plaintiff’s Second Amended Complaint also seeks numerous categories of damages and equitable relief.

2. Defendant filed its Motion to for Summary Judgment on February 16, 2024. (Doc. 56). Plaintiff filed a Response to Defendant’s Motion for Summary Judgment on March 5, 2024. (Doc. 59).

3. On March 19, 2024, Defendant filed a Reply In Support of its Motion for Summary Judgment (Doc. 63), and a Motion to Strike Plaintiff’s inadmissible summary judgment evidence. (Doc. 61-63). Plaintiff subsequently filed a Reply Brief In Opposition to Defendant’s Motion for Summary Judgment on March 25, 2024 (Doc. 64), to which Defendant filed a response on April

8, 2024 (Doc. 65), arguing Plaintiff had failed to comply with the Local Rules by requesting leave to file a Sur-Reply. *See id.*

4. On April 15, 2024, Plaintiff filed an Opposed Motion for Leave to file a Sur-Reply In Opposition of Defendant's Motion for Summary Judgment. (Doc. 66). Defendant filed a response to Plaintiff's Motion for Leave on May 6, 2024. (Doc. 68).

5. The parties must file all pretrial materials with the Court by September 16, 2024. (Doc. 41). A jury trial is set to begin on October 7, 2024. *See id.*

6. To date, the Court has not ruled on Defendant's Motion for Summary Judgment. (Doc. 56), which seeks dismissal of each of the distinct and separate claims included in Plaintiff's Second Amended Complaint (Doc. 18) and, in the alternative, dismissal of certain categories of damages not available under the FLSA, ADEA, or COBRA. Indeed, each of the claims advanced by Plaintiff to some extent relies on facts, documentation, circumstances and witnesses distinct from each of the other claims.

7. Defendant respectfully requests a stay of all deadlines until the Court has issued a ruling on Defendant's Motion for Summary Judgment, which has the potential to dispose of all or some of Plaintiff's claims and/or damages and may greatly narrow the issues for trial (Doc. 56). In the interest of judicial economy and in order to avoid incurring unnecessary fees and costs to prepare for trial, Defendant therefore requests a sixty (60) day continuance of the current trial setting and all pretrial deadlines. *See* (Doc. 56).

8. No party will be prejudiced by this request, and this motion is not submitted for purposes of delay.

9. For the foregoing reasons, Defendant respectfully seeks the requested stay of the proceedings and a sixty (60) day continuance of trial and pretrial deadlines following the Court's

ruling on Defendant's Motion for Summary Judgment.

Respectfully submitted,

/s/ E. Liz Drumm

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**COUNSEL FOR DEFENDANT
EXEL INC. d/b/a DHL SUPPLY CHAIN**

CERTIFICATE OF CONFERENCE

I hereby certify that on July 23, 2024, I conferred with counsel for Plaintiff via email on the subject matter of this motion. Plaintiff's counsel is opposed to this motion.

/s/ E. Liz Drumm

E. Liz Drumm

CERTIFICATE OF SERVICE

On the 24th day of July, 2024, I filed the foregoing document with the Clerk of Court for the United States District Court, Northern District of Texas, using the Court's Electronic Case Filing system. I hereby certify that I have served the document on all counsel of record by a manner authorized by FED. R. CIV. P. 5 (b)(2).

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/s/ E. Liz Drumm

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